

# The Association of South East Asian Nations (ASEAN) Efforts to Approve Myanmar Transitional Government Proposal on ASEAN 2014 Chairmanship

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## Abstrak

*Pada tahun 2011, Myanmar diusulkan untuk mengambil posisi kepemimpinan ASEAN 2014 menggantikan Laos. Meskipun ini dianggap kurang lazim dalam tradisi dan acuan Piagam ASEAN, namun Myanmar akhirnya mendapat dukungan dari negara-negara ASEAN. Penelitian ini bertujuan untuk menganalisa alasan dan motif apa yang melatarbelakangi negara-negara ASEAN. Dengan demikian, penelitian ini bertujuan untuk menguji motif ASEAN untuk mendukung kepemimpinan Myanmar. Dengan menggunakan teori konstruktivis, tulisan ini menunjukkan bahwa keputusan negara-negara ASEAN tersebut didorong oleh keinginan mendorong reformasi demokratik di Myanmar. Sementara itu, melalui pendekatan institusional dari teori organisasi internasional, tulisan ini ingin menunjukkan penetapan Myanmar sebagai pimpinan ASEAN merupakan sebuah penyimpangan dari Piagam ASEAN sebagai standar operation prosedur (SOP) yang selama ini selalu dijadikan rujukan dalam pengambilan keputusan di ASEAN.*

*Kata kunci: Piagam ASEAN, Myanmar, Asia Tenggara, pasar tunggal, ketua Asean*

## Abstract

In 2011, Myanmar proposed to take the 2014 Chairmanship by swapping their turn with Laos. This is a deviation to ASEAN Charter Article 31 which says that the Chairmanship of ASEAN shall rotate annually based on the alphabetical order of the English names of Member States. Fortunately, by default, Myanmar's Chairmanship would have to be in 2016 after Malaysia in 2015. Despite this and also considering year 2014 is crucial as it is only a year before the plan of the realization of ASEAN Economic Community on 31<sup>st</sup> January 2015, ASEAN approved Myanmar's 2014 Chairmanship proposal. Thus, this research aims to examine the reasons what was ASEAN motives to support Myanmar Democratic Reform, and how ASEAN implements its efforts to initiate Myanmar for ASEAN 2014 Chairmanship. In conducting the research, the writer elaborated constructivism theory and institutional approach from international organization theory, which are used as theoretical framework. Through theory of constructivism, the ramification of past events is analyzed. The analysis is conducted particularly by identifying series of events and change of circumstance that affects ASEAN, Myanmar, and other state actors involved. This is done to identify possible factors affecting ASEAN's decision to approve Myanmar's 2014 Chairmanship proposal. Meanwhile, through institutional approach from international organization theory, the ASEAN Charter is used as a guide to analyze the basis of ASEAN's assessment of the eligibility of Myanmar's Chairmanship. ASEAN Charter Article 32 as stated the role of the chairman is the particular article which is used in this research as ASEAN's standard of procedures (SOP) in assessing Myanmar's eligibility.

Keywords: asean charter, myanmar, southeast asia, single market, asean chairmanship

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## INTRODUCTION

Association of Southeast Asia Nations (ASEAN) is an international organization whose members are among the countries within Southeast Asia region. The organization was established with the signing of a

document in Bangkok, Thailand, on August 8, 1967, which is called the ASEAN Declaration, by the five founding nations; namely Indonesia, Malaysia, the Philippines, Singapore and Thailand. The ASEAN

declaration is the outcome of a mutual agreement among the respective founding nations to create a more stabilized region by cultivating the potentials of Southeast Asian countries through cooperation and to become an independent region that is free from external intervention (ASEAN, "History" <http://www.asean.org/asean/about-asean/history>, accessed on December 27th 2015). Since then, it continues to expand the membership to include Brunei Darussalam, Cambodia, Laos, Myanmar (Burma) and Vietnam in order to realize vision.

It was founded to strengthen further the existing bonds of regional solidarity and cooperation. From the original five member countries, ASEAN has grown to ten members covering more than 1.7 million square miles, which is over half the size of the continental U.S, and has 626 million populations with economy valued at US\$2.4 trillion. The establishment of ASEAN Economic Community on 31 December 2015 has developed the region to be one of the world largest dynamic markets (Manurung, Hendra. 2013. "ASEAN Economic Community 2015". The President Post Indonesia, July 22, 2013). Trade boundaries among countries are becoming vaguer ahead of the ASEAN Economic Community 2015 and the Asia Pacific Economic Cooperation Free Trade Area 2020. The General Agreement on Tariffs and Trade (GATT) in 1947, as international trade system was implemented by all member states. GATT was basically aimed to expand international trading system and mechanism to provide solutions to improve the people's welfare.

The ASEAN Treaty of Amity and Cooperation (TAC) lay out the key principles of non-interference and cooperative dispute resolution for members. The US acceded to the TAC in 2009 enabling it to participate in the East Asia Summit. The ASEAN Economic Community (AEC), which is scheduled for implementation in December 2015, aims to create one of the largest single market economies in the world, facilitating the free movement of goods, services, and professionals.

Therefore, as time goes by, ASEAN aims to further

enhance cooperation between countries in region. Therefore, the idea for the establishment of "ASEAN Community" was raised in order to make ASEAN an integrated regional organization. The ASEAN Community is expected to be established by 2015. To fulfill the commitment, the organization created a charter that acts as a legally binding agreement. The Charter came into force on December 15<sup>th</sup> 2008 after ratification by the ten member states (Association of Southeast Asia Nations, "The Ratification of the ASEAN Charter"). All of the member states have to comply by it and at the same time the Charter provides legal status for the organization. The ASEAN Charter is regarded as the organization's manual to conduct its affairs as it defines the targets and also the norms, rules, and values of ASEAN (Association of Southeast Asia Nations, "ASEAN Charter").

The ASEAN structure as regional organization is elaborated in its Charter. Chapter IV of the Charter describes the organs in ASEAN along with its respective functions. The one that has the highest authority among the organs is the ASEAN Summit. The function of ASEAN Summit is for discussing key issues concerning ASEAN's targets achievement, the essentials of each member state, and all other issues referred to by other organs by the Head of the Member States of ASEAN (ASEAN Charter, Chapter IV Article 7). It also decides what actions the organization should take to address those issues, thus creating ASEAN's top policy level (Chukeat Noichim, "The ASEAN Space Organization: Legal Aspects and Feasibility" <https://openaccess.leidenuniv.nl>). It is very important to make the structure of the organization unambiguously clear because it highly affects the organization's decision-making process.

Another imperative aspect for ASEAN to function properly is the role of a chairman. According to Article 31 of the Charter on ASEAN Chairmanship, the duty of a member state assuming the chairmanship is to host ASEAN Summit, as well as other related summits, and also to host most of ASEAN's fundamental activities (ASEAN Charter, Chapter X Article 31).

Thus, the state in duty has to be able to create a comfortable environment for all of those events to run well, along with creating respectable image of a country that represents the organization as a whole. Each of the member states has the chance to become the ASEAN Chairman because the chairmanship is rotated annually based on the alphabetical order of the member states' English names.

Ever since the ASEAN was established, the rotation of chairman had already sought to run in accordance to the charter even long before the charter came to effect in 2008. However, Myanmar seems to be the only member state that has never once assumed the chairmanship since its acceptance in ASEAN from 1997 until 2014. According to the rotating chairmanship policy, Myanmar should have become chairman on 2006; right after Malaysia took the role on 2005. At that time, it was said that instead of letting Myanmar assuming the chairmanship, ASEAN members were trying to persuade the country to give up on it until finally the country's government declared that they would relinquish its turn (Yang Baoyun, "Myanmar and the ASEAN Integration Process," in *Myanmar: Prospect for Change*. Singapore: Select Publishing, 2010, p. 243).

It was started in 2010 when Burma had its 1<sup>st</sup> election after two decades. Myanmar as ASEAN member has been in the grip of the military government since 1962. Meanwhile, the military government has yet to announce the exact date, while there are rumors that the election could be held on 10 October 2010, in conformity with the Burmese generals' superstitious beliefs about numbers, that if it is held on 10/10/10 it could bring them victory (Lawansiri, Pokpong, "Burmese election: neither free nor fair", 2010).

However, in the last election witnessed by the country in May 1990, the now-dissolved National League for Democracy (NLD), which is a party led by the Nobel peace prize laureate Aung San Suu Kyi won a landslide majority of 392 seats out of 492 seats. After the election, the military government refused to accept the result. Aung San Suu Kyi, the NLD's MPs

and its members were imprisoned (Lawansiri, Pokpong, "Burmese election: neither free nor fair", 2010). While, the National Coalition Government of the Union of Burma, Burma's government in exile, has documented the names of Member of Parliaments that have died in prison or fled the country in exile. Many members of parliament have only been recently released.

For the general election, the military government is getting smarter. It drafted a constitution, which took 10 years to write and is riddled with undemocratic elements such as barring candidates who are married to non-Burmese people from participating in the election. Thus, Aung San Suu Kyi is barred from participating (Lawansiri, Pokpong, "Burmese election: neither free nor fair", 2010). Furthermore, a third of the 664 parliamentary seats will be strictly reserved for the military. Based upon these irregularities, the NLD announced its refusal to join the election, making this an excuse for the military government to dissolve the party. We can therefore be sure that this election will be neither free nor fair unless there are big changes based on the pressures from the international communities, especially from ASEAN, the regional grouping of 10 Southeast Asian states, which Burma is a member.

The 43<sup>rd</sup> meeting of ASEAN foreign ministers, held in Hanoi on November 2010, came up with a 15-page joint communiqué with only a single paragraph discussing the development in Burma. The paragraph states the "importance of national reconciliation in [Burma] and the holding of general election in a free, fair, and inclusive manner". It does not, however, mention what ASEAN's response would be if the election turned out to be a complete farce. Ban Ki moon, the UN secretary-general and key stakeholder in Burma's nation building, has already expressed his frustration at the "lack of cooperation at this critical moment" (Lawansiri, Pokpong, "Burmese election: neither free nor fair", 2010).

The statement from the meeting, however, is nothing new. ASEAN has been heavily criticized for not doing enough for Burma. After the violent crack-

down on the streets of Rangoon in 2007, all it could offer to the Burmese people was a statement raising its concern.

The former ASEAN Secretary-General, Surin Pitsuwan observed the election as a step forward despite heavily criticisms from the NLD and UN: “No election is going to be perfect. It is a positive step, better than not having election at all. It is a step forward”. At an international level, ASEAN member states are still silent with regards to the call by Tomás Ojea Quintana, UN special rapporteur on Burma, to set up a commission of inquiry regarding the alleged war crimes the government has committed against its citizens.

In November 2007, ASEAN adopted its charter, which has an explicit aim to “strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms”. However, the recent general election in Myanmar in 2016 has examined the regional body can actually deliver what it promises to the people of Burma. As the date comes near, ASEAN must realize that the failure of Burma’s election might become an embarrassment to the regional grouping.

However, Aung San Suu Kyi’s, a leader of the National League for Democracy (NLD) party won a landslide victory on 8 November 2015 general elections (Holmes, Oliver, “Aung San Suu Kyi Wins Outright Majority in Myanmar Election. The Guardian, 13 November 2015). As a democracy leader’s party, she is now be able to push through national legislation, form a democratic government and hand-pick an elected president. She is barred from becoming president because of the national constitution’s article 59 (f), which says anyone with a foreign spouse or children cannot hold the executive office. Aung San Suu Kyi’s late husband was British, as are her two sons. She did win Myanmar’s landmark election and claimed a staggering majority in parliament, ending half a century of dominance by the military and providing the symbol of a decades old democracy movement with a mandate to rule. The government’s election commission in the capital of Naypyidaw said

the National League for Democracy (NLD) party had won 348 seats across the lower and upper house of parliament, 19 more than the 329 needed for an absolute majority (Holmes, Oliver, “Aung San Suu Kyi Wins Outright Majority in Myanmar Election. The Guardian, 13 November 2015). In the latest standings, the incumbent military-backed Union Solidarity and Development party (USDP) has taken just 40 seats across the two chambers. Minority parties won a handful of further seats.

At least, there are 2 (two) major reasons why ASEAN did not support Myanmar government democratic transition, i.e.: First, in contrary to what is expected by ASEAN, the Government of Myanmar has shown a lack of significant progress in turning Myanmar into a democratic country (Association of Southeast Asia Nations, “Chairman’s Statement of the 11<sup>th</sup> ASEAN Summit 2005: One Vision, One Identity, One Community”); Second, the Government of Myanmar was also well known to be committing large number of cases of human rights violations.

It has attracted external criticism, particularly from the U.S. and the European Union (EU) complaints. Both of the said actors have repeatedly threatened to boycott all ASEAN meetings if Myanmar were to assume its chairmanship and this put a lot of pressure on ASEAN (Baoyun, op. cit., p. 242). Under the aforementioned circumstances, ASEAN members presumed that Myanmar should not take the role of chairman.

The Government of Myanmar has acquired poor record ever since the military regime occupied the country in 1988. However, ASEAN still wanted to have Myanmar as their active member. The ASEAN Member States were hoping that Myanmar could become the main supplier of natural resources because the country has an abundance of unexplored natural resources (Baoyun, op. cit., p. 238). The whole member of ASEAN want Myanmar becomes a democratic state. Democracy is a form of government where the people carry the supreme power ([www.dictionary.com](http://www.dictionary.com). “Democracy”). Democracy can be exercised directly by the people or by their elected

agent through free electoral system.

As a party leader of the National League for Democracy (NLD), Aung San Suu Kyi does not have complete political power and the army generals, who have amassed billions of dollars in wealth, will still control the most powerful ministerial portfolios, such as: interior, defense, and border affairs. The Myanmar armed forces, or Tatmadaw (Holmes, Oliver, "Aung San Suu Kyi Wins Outright Majority in Myanmar Election. The Guardian, 13 November 2015), has an automatic hold of a quarter of seats in parliament, meaning the opposition needed to win at least 329 seats to make up a majority (67%) of both houses. Many in the country of 51 million hopes the NLD will push through political reforms but also develop the country's struggling education and health systems, and create jobs in south-east Asia's poorest nation (Holmes, Oliver, "Aung San Suu Kyi Wins Outright Majority in Myanmar Election. The Guardian, 13 November 2015).

The United States President Barack Obama called Aung San Suu Kyi to congratulate her and her party's successful campaign and also spoke to Myanmar President Thein Sein (Holmes, Oliver, "Aung San Suu Kyi Wins Outright Majority in Myanmar Election. The Guardian, 13 November 2015). Aung San Suu Kyi invited the army chief, president and the parliamentary speaker to discuss the election and has said she will form a national reconciliation government (Holmes, Oliver, "Aung San Suu Kyi Wins Outright Majority in Myanmar Election. The Guardian, 13 November 2015). Aside from the 25% of seats ring fenced for the military, there were 168 contested seats in the upper house of parliament and 330 in the lower house, although seven of those lower house seats were cancelled due to fighting with insurgent groups in border areas. That amounts to a total of 491 seats contested in both houses. The NLD has also won significant majorities in the regional and state assemblies.

Moreover, as ASEAN feared that the growing Chinese influence could threaten regional security and stability, they tried to pull Myanmar, which has always

been very close with China (Amitav Acharya, "ASEAN and Burma/Myanmar: Past and Prologue" [http://www.risingpowersinitiative.org/wpcontent/uploads/policybrief\\_apr2012\\_aseanmyanmar.pdf](http://www.risingpowersinitiative.org/wpcontent/uploads/policybrief_apr2012_aseanmyanmar.pdf)). Therefore, ASEAN believed that by having Myanmar as part of the organization would highly benefit regional peace and stability; without having known that the dire situation in Myanmar is capable to project a negative image to ASEAN.

According to what has been mentioned above, Myanmar has forfeited to chair ASEAN in 2006 because of the poor situation in the country under the military regime. However, the military rule did not last long after that. In 2011, it was dissolved after a new President is elected and started to lead the country with a new, civilian-based government (BBC News, "Myanmar Profile: Timeline" <http://www.bbc.com/news/world-asia-pacific-12992883>, accessed on August 19th 2014). During the same year, the new Government immediately proposed to take the ASEAN Chairmanship in 2014 (The Republic of the Union of Myanmar President Office, "President U Thein Sein addresses first Pyidaungsu Hluttaw second regular session" [www.president-office.gov.mm/en/?qs=briefing-room/speeches-and-remarks/2011/08/22/id-212](http://www.president-office.gov.mm/en/?qs=briefing-room/speeches-and-remarks/2011/08/22/id-212), accessed on August 19th 2014), even though Laos was supposed to have the role that year. For requesting just a year before the implementation of the ASEAN Community 2015 as the time to claim the chairmanship, Myanmar surely had shown their desire of wanting to play a bigger role in the international arena. Finally, with Laos willing to swap its turn with Myanmar, ASEAN then came to approve Myanmar's request (Association of Southeast Asian Nations, "Chair's Statement of the 19th ASEAN Summit in Bali, 17 November 2011" <http://www.asean.org/archive/documents/19th%20summit/CS.pdf>, accessed on August 19th 2014).

## THEORETICAL FRAMEWORK

If the organization follows the rule regarding chairmanship that is written in the ASEAN Charter, that the rotation for ASEAN Chairmanship should be



decided according to alphabetical order of the member states' English names, Myanmar would assume chairmanship later in 2016. However, Myanmar was able to swap its turn with Laos for Chairmanship in 2014. It is because the rule was never strictly enforced. For example, Indonesia was supposed to get its turn in 2013, but then swapped with Brunei so that it can assume the chairmanship in 2011. ASEAN is an organization that prioritizes the use of consultation and consensus as a way to find solution in dealing with any issue (ASEAN Charter, Chapter VII Article 20 titled "Consultation and Consensus"). Through the ASEAN mechanism, there must be some considerations taken among the other ASEAN member states based on mutual constructive engagement, which can make them convinced that Myanmar would be able to

Organization, Vol. 46, No. 2 (Spring, 1992), p. 398. In this publication, Alexander Wendt mentioned that "identities are the basis of interests"). Identities itself means how the actor understands who they are and what their roles are; and is gained from interaction with other actors. Identities are also complex and changing (Joshua S. Goldstein and John C. Pevehouse, "International Relations". New York: Pearson International Edition, 2009, pg. 94. Therefore, it is important to analyze ramifications of past events, particularly by identifying series of events and change of circumstance that affects their relationship with other actors.

There are two different approaches on understanding the concept of international organization, namely the regime analysis and the institutional analysis. It is explained by J. Samuel Barkin in his book "Intern-



Figure 1 Constructivism Theory Framework

perform chairman responsibilities in 2014. Therefore, the writer found that ASEAN has reasonable motives for Myanmar's proposal endorsement in ASEAN Chairmanship 2014. The purpose of the research is to describe analytically ASEAN support to endorse Myanmar to be the ASEAN Chairman in 2014.

Constructivism theory provides a method that is most applicable to explain the reason for ASEAN to approve Myanmar's chairmanship proposal. In explaining the origin of an action of a political actor, constructivism focuses on finding out the actor's interest because interests are the source of actions (Christian Reus-Smit, "Constructivism," in *Theories of International Relations*. 3<sup>rd</sup> Ed., Basingstoke: Palgrave, 2005, p. 197). In this case, constructivist does not take interests as given; rather they believe that it is shaped from the actor's identities (Alexander Wendt, "Anarchy is what States Make of it: The Social Construction of Power Politics," in *International*

*Organization: Theories and Institutions*) that regime analysis is used to find the influence of international organization on other actors, while the institution analysis focuses more on studying phenomena inside the organization itself (J. Samuel Barkin, "International Organization: Theories and Institutions". New York: Palgrave Macmillan, 2006, pg. 27). This research is used the institutional analysis because it is suitable to find out about how ASEAN assess whether or not Myanmar can perform the role of ASEAN Chairman.

Following the steps written on the book, the analysis will be carried out particularly by looking at the organization's charter as the charter provides all the information about how the organization works (Ibid, pg 28). In this case, the information about ASEAN Chairmanship such as the rotation of the chairman, the role, and also the duties of the chairman are all mentioned in ASEAN Charter. Thus the

writer will use the charter as a guide to analyze the basis of ASEAN's assessment of Myanmar chairmanship.

## RESULT AND ANALYSIS

### ASEAN DECISION ON MYANMAR ELIGIBILITY

The writer utilizes theory of constructivism to deduce that the development of situations in Myanmar affected how ASEAN assess Myanmar's eligibility to be organization's chairman. In this chapter, the writer attempts to utilize the institutional approach from international organization theory to explain how ASEAN assess Myanmar's eligibility to chair the organization by using ASEAN Charter as guidance. It is important for us to understand how significant ASEAN Charter to all member.

The purpose of establishing the ASEAN Charter is mentioned in the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter (December 12<sup>th</sup> 2005). ASEAN Charter was established to: Serve as a legal and institutional framework of ASEAN; Codify all ASEAN norms, rules, and values; Reaffirm principles, goals and ideals contained in ASEAN's milestone agreements as well as the principles of inter-state relations in accordance with the UN Charter (ASEAN's milestone agreements includes the ASEAN Declaration (1967); the Treaty of Amity and Cooperation in Southeast Asia (1976); the Treaty on Southeast Asia Nuclear Weapon Free Zone (1995); the ASEAN Vision 2020 (1997); and the Declaration of ASEAN Concord II (2003); and confer a legal personality to ASEAN.

It is stated in the declaration that the ASEAN Charter was meant to: "Serve as a firm foundation for ASEAN in the years ahead and to facilitate community building towards an ASEAN Community and beyond". ASEAN Community is a target of the organization to strengthen cooperation among Member States. Therefore, the realization of ASEAN Community is very important. ASEAN Charter was created to afford the realization of ASEAN Community. As stated in the Chair's statement of the 9<sup>th</sup> ASEAN Summit (October 7<sup>th</sup> 2003), ASEAN Com-

munity was planned to "Be established comprising three pillars, namely political and security cooperation, economic cooperation, and socio-cultural cooperation that are closely intertwined and mutually reinforcing for the purpose of ensuring durable peace, stability and shared prosperity in the region".

The process to establish the ASEAN Charter started with setting up the Eminent Persons Group (EPG). The group composes from prominent citizens from each of ASEAN Member States. The EPG is authorized to examine and provide practical recommendations on ASEAN's vision and the essence of the ASEAN Charter. In January 13<sup>th</sup> 2007, the Cebu Declaration on the Blueprint of the ASEAN Charter was signed in order to endorse the Report of the Eminent Persons Group (EPG) on the ASEAN Charter. The report is one of the bases in drafting the ASEAN Charter. Subsequently, High Level Task Force was set up to produce the draft of the ASEAN Charter to be completed for the 13<sup>th</sup> Summit in Singapore in 2007. On the 12<sup>th</sup> ASEAN Summit in Cebu in 2007, ASEAN issued several declarations. Among them are the following two Cebu Declarations:

- 1) The Cebu Declaration on the Blueprint of the ASEAN Charter;
- 2) The Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015.

The Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community in 2015 stated the ASEAN's strong commitment to accelerate the realization of an ASEAN Community by 2015. The existence of the ASEAN Charter is essential to the realization of ASEAN Community by 2015. The draft of the ASEAN Charter was completed and signed by the time of the 13<sup>th</sup> ASEAN Summit in Singapore on 20 November 2007. In Singapore Declaration on the ASEAN Charter, all the Head of States declared:

- 1) er Country to implement the ASEAN Charter.

The ASEAN Charter then came into force on 15 December 2008 after ratification by ten member states. All member states have to deposit their instruments of ratification with the Secretary-General of

ASEAN. Table 1 shows the dates of the deposit of the instrument of ratification by the representatives of each member states to the ASEAN secretary-general by order of submission (Association of Southeast Asia Nations, “The Ratification of the ASEAN Charter” <http://www.asean.org/archive/AC-Update.pdf>).

**Table 1 Deposit Date of the Instrument of Ratification**

No.	Member State	Date of Submission
1	Singapore	January 7 <sup>th</sup> 2008
2	Brunei	February 15 <sup>th</sup> 2008
3	Malaysia	February 20 <sup>th</sup> 2008
4	Lao PDR	February 20 <sup>th</sup> 2008
5	Viet Nam	March 19 <sup>th</sup> 2008
6	Cambodia	April 18 <sup>th</sup> 2008
7	Myanmar	July 21 <sup>st</sup> 2008
8	Philippines	November 3 <sup>rd</sup> 2008
9	Indonesia	November 13 <sup>th</sup> 2008
10	Thailand	November 15 <sup>th</sup> 2008

Source: Information derived from the Association of Southeast Asia Nations, [www.asean.org](http://www.asean.org), 2008

**Table 2 Sequence of Chairmanship 2005-2014**

Year	Chair
2005	Malaysia
2006	Philippines
2007	Singapore
2008	Thailand
2009	Thailand
2010	Viet Nam
2011	Indonesia
2012	Cambodia
2013	Brunei
2014	Myanmar

Source: Information derived from the Association of Southeast Asia Nations, [www.asean.org](http://www.asean.org), 2014

By ratifying the ASEAN Charter, all member states are consent to be bound by it. This means that all of the Member States affirmed the importance to ratify the ASEAN Charter for the development of the organization, especially to realize an ASEAN Community by 2015. ASEAN Charter contains the structure

of ASEAN. Efficient structure is very important to facilitate the attainment of community objectives. One of the important components of ASEAN structure is the ASEAN Chairman. Regulation regarding ASEAN Chairman is mentioned in ASEAN Charter chapter X. Chapter X, titled “Administration & Procedure,” contains two articles, Article 31 and Article 32. Article 31 explains about the regulation of the rotation of chairman and the duty of the state serving as chairman. In Article 32, the role of chairman is explained.

According to Article 31 Point 1 about the rotation of chairman, “the Chairmanship of ASEAN shall rotate annually based on the alphabetical order of the English names of Member States”. Table 2 shows the sequence of ASEAN Chairmanship from 2005-2014.

In 2006, Myanmar was supposed to chair the organization but they did not because they have “given up the chairmanship”. The slot was filled by Philippines instead. Since 2006, the rotation of chairman has run normally by English names of the Member States. Some deviations to the norm happened. In 2011 Brunei was in turn but exchanged with Indonesia; so that Brunei became Chairman in 2013. In 2014 Laos was in turn but exchanged with Myanmar which supposed to be the chairman in 2016. Article 31 Point 2 describes the duty of the chairman. The Member State assuming the Chairmanship shall chair:

- a) The ASEAN Summit and related summits;
- b) The ASEAN Coordinating Council;
- c) The three ASEAN Community Councils;
- d) Where appropriate, the relevant ASEAN Sectoral Ministerial Bodies and senior officials;
- e) The Committee of Permanent Representatives.

The above five items (a, b, c, d, e) are part of the nine organs of ASEAN structure. The complete organs of ASEAN structure along with their each function are stated in the ASEAN Charter’s Chapter IV, which is as follow:

1. ASEAN Summit
2. ASEAN Coordinating Council
3. ASEAN Community Councils
4. ASEAN Sectoral Ministerial Bodies



5. Secretary-General of ASEAN and ASEAN Secretariat
6. Committee of Permanent Representatives to ASEAN
7. ASEAN National Secretariats
8. ASEAN Human Rights Body
9. ASEAN Foundation

In executing its duty, ASEAN Chairman has to perform the role as the representative of the organization. This is mentioned in Article 32 titled "Role of the Chairman of ASEAN". The Member State holding the Chairmanship of ASEAN shall:

- a) Actively promote and enhance the interests and well-being of ASEAN, including efforts to build an ASEAN Community through policy initiatives coordination, consensus and cooperation;
- b) Ensure the centrality of ASEAN;
- c) Ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices;
- d) Represent ASEAN in strengthening and promoting closer relations with external partners;
- e) Carry out such other tasks and functions as may be mandated.

Myanmar's Eligibility: Leading ASEAN in 2014

The writer analyzed about how ASEAN examine whether Myanmar is eligible to perform the role of chairman. The analysis of the matter will be based on the standard of the ASEAN Charter. In the analysis, the writer will use the first four roles of the five roles mentioned before. The first four roles are chosen because they are definitive by rules. The writer will only analyze the ASEAN's approval of Myanmar's chairmanship proposal in 2011.

The first role: ASEAN Chairman has to "Actively promote and enhance the interests and well-being of ASEAN, including efforts to build an ASEAN Community through policy initiatives, coordination, consensus and cooperation". The interest of ASEAN is particularly to establish the ASEAN Community. The well-being of ASEAN is "to live in a region of lasting peace, security and stability, sustainable economic growth, shared prosperity and social progress,

and to promote ASEAN's vital interests, ideals and aspirations". The interest and the well-being of ASEAN are stated in the preamble of the ASEAN Charter.

As an ASEAN Chairman, Myanmar should be able to formulate strategy to promote and enhance the interests and well being of ASEAN. The question is would Myanmar be able to perform that in 2014? If we look at Myanmar's situations under the military regime of State Peace and Development Council, Myanmar people had been repressed and suffered. This is not in accord with ASEAN's concept of well-being. However, current Myanmar government has shown significant progress in democratization and liberalization; for example freeing political prisoners and passing new labor legislation approved by the ILO.

By making breakthrough in a relatively short time, ASEAN reckon that Myanmar is in the right track and believe that by 2014 Myanmar can perform its mandate to actively promote and enhance the interests and well-being of ASEAN. Moreover, by requesting to chair the ASEAN a year before the realization of ASEAN community, Myanmar has shown its readiness to boost the effort to realize ASEAN Community by 2015.

Ultimately, in its chairmanship, during the 25<sup>th</sup> ASEAN Summit, Myanmar restated their commitment to "..... expedite the implementation of the remaining action lines by 2015 with a view to create a politically cohesive, and economically integrated and a socially responsible ASEAN Community that will effectively respond to current and future opportunities and challenges", in line with ASEAN's motto, "One Vision, One Identity, One Community" (Association of Southeast Asia Nations, "Chairman's Statement of the 25th ASEAN Summit: Moving Forward in Unity to a Peaceful and Prosperous Community").

The ASEAN Summit also focused on the development of ASEAN Community Post 2015 Vision. In this regard, Myanmar as chairman, adopted the Nay Pyi Taw Declaration on the ASEAN Community's Post-2015 Vision, and tasked the ASEAN Coordinating Council to look after the process of the Post-2015

Vision development, which ought to be submitted to the 27<sup>th</sup> ASEAN Summit.

The 2<sup>nd</sup> role of the chairman of ASEAN is: to “ensure the centrality of ASEAN”. The meaning of “the Centrality of ASEAN” can be studied from the ASEAN Charter. Chapter I Article 1 about ASEAN purposes and Article 2 about ASEAN principles mentioned about maintaining the centrality of ASEAN for all member states. Article 1 defines that one of the purposes of ASEAN is “To maintain the centrality and the proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent, and exclusive”. Article 2 defines that one of the principles of ASEAN is for the member states to act in accordance with “the Centrality of ASEAN in external political, economic, social and cultural relations while remaining actively engaged, outward looking, inclusive, and non-discriminatory”.

Statements above imply that each ASEAN member states have the obligation to develop a point of view in dealing with non-ASEAN partners.

Therefore, if the concept of ensuring the centrality of ASEAN is applied to 1<sup>st</sup> role of ASEAN Chairman, then Myanmar as a chairman has to make sure to keep a common viewpoint in dealing with non ASEAN partners. In this “centrality” case, the writer applies it to the relationship of ASEAN, Myanmar, and China. ASEAN were highly concerned about the growing Chinese influence in Myanmar. ASEAN has attempted to approach Myanmar with the purpose to make Myanmar relies more on them than on China. However, Myanmar had maintained good relations with China. In 2011, President Thein Sein gave the signal of distancing relationship with China by postponing the Myitsone Dam project. Conclusively, this shows Myanmar is finally in alignment with ASEAN’s common viewpoint regarding China.

## CONCLUSION

The writer concludes that ASEAN agreed that Myanmar could perform the role of “Ensuring the

Centrality of ASEAN” as the Chairman. During their chairmanship in 2014, in order to maintain the centrality of ASEAN, Myanmar stated that they are committed “To identify the best approaches to address emerging challenges, and respond effectively to the shifting regional geo-economics and geo-politics, especially in relation to peace, stability, security and prosperity in the region and beyond.” Myanmar also emphasized the need: “To further develop a rules-based and norms-based regional architecture, by promoting the norms and principles enshrined in the ASEAN Charter, other instruments and declarations ...”

The writer chose Singapore’s leadership, as the ASEAN Chairman during the cyclone Nargis that struck Myanmar on 2-3 May 2008 to be used as a good example to analyze Myanmar’s chairmanship eligibility by 3<sup>rd</sup> role of ASEAN Chairman. The third role is “To ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns”.

During and after cyclone Nargis, Myanmar refused international assistance. ASEAN, with Singapore leadership, succeeded to persuade Myanmar to take the international assistance with ASEAN as a bridge. Singapore’s effort in doing this started with a call for a Special Meeting of the ASEAN Foreign Minister in Singapore on 19 May 2008 to discuss how ASEAN could assist Myanmar post Cyclone Nargis. The result of the special meeting was the chairman’s statement: “the Ministers agreed to establish a Task Force, to be headed by ASEAN Secretary-General Surin Pitsuwan, which will work closely with the UN as well as a central coordinating body to be set up by Myanmar, to realize this ASEAN-led mechanism.”

ASEAN has to evaluate whether Myanmar for chairmanship in 2014 can perform like Singapore in dealing with a crisis. Compared to Myanmar under previous governments, the current Thein Sein presidency has made rapid change that Myanmar can now take care. With such achievement, ASEAN believe that by 2014 Myanmar can perform the third role of

ASEAN chairmanship.

In accordance to the example of Singapore chairmanship above, Myanmar's commitment in ensuring an effective and timely response to urgent issues or crisis situations affecting ASEAN is expressed from their statement in the Chairman's Statement of the 25<sup>th</sup> ASEAN Summit. Myanmar "encouraged the strengthening of civil-military coordination in the areas of human assistance and disaster relief management and in addressing non-traditional security challenges".

ASEAN regionalism has never been inclusive. ASEAN has maintained close relations with some distinguished non-ASEAN states and international institutions such as the United Nations and the European Union. Representing ASEAN in strengthening and promoting closer relations with external partners falls to one of the roles of ASEAN chairman. Hence the fourth role of ASEAN chairman. In the case of "strengthening and promoting closer relations with external partners", the writer will use the complex relationship among ASEAN, Myanmar, and the U.S. and the EU for the analysis.

It is known that ASEAN was trying to improve their relationship with their partners from the West, particularly the U.S. and EU, especially after the Asia financial crisis. Unfortunately, ASEAN's effort in some way hindered by Myanmar's past conditions. In the past, the U.S. and the EU had been imposing sanctions toward Myanmar because of Myanmar's poor records of human rights. Myanmar current government under Thein Sein presidency was able to improve the country's human rights record. A remarkable achievement is the postponement of Myitsone Dam which effectively resolved the case of the displacement of Kachin ethnic minority. This softened the attitude of the U.S. and the EU toward Myanmar.

Consequently, it makes ASEAN believe that Myanmar can fulfill the fourth role, i.e. represent ASEAN to strengthen and promote closer relations with the organization's external partners. In this case, during its chairmanship in 2014 Myanmar has "agreed to focus [their] cooperation with external parties in

priority areas of ASEAN such as enhanced connectivity, narrowing development gaps, and in addressing emerging challenges including climate change, disaster management, transnational crimes and sustainable use of water resource".

In order to realize missions stated above, Myanmar said that they are devoted "to work closely with all dialogue partners and other external parties through a proactive, outward-looking, and synergized approach across all ASEAN-led mechanisms". ASEAN-led mechanisms include:

ASEAN Plus One. It comprises the ASEAN Member States and single-state dialogue partners.

1. ASEAN Plus Three. It cooperation of all Member States of ASEAN plus China, Japan, and South Korea;
2. ASEAN Defense Minister's Meeting (ADMM Plus). The participants of ADMM-Plus are the 10 Member States of ASEAN plus Australia, China, India, Japan, New Zealand, South Korea, Russia, and the U.S.;
3. ASEAN Regional Forum (ARF). The membership of ARF includes the ASEAN Member States and other 17 non-ASEAN Member States, as of July 2007;
4. East Asia Summit (EAS). The membership of EAS includes the 10 Member States of ASEAN plus Australia, China, India, Japan, New Zealand, South Korea, the U.S., and Russia.

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